

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

4506 Broadway Street, Mount Vernon, WA 98274

Case No. MJ18-387

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

4506 Broadway Street, Mount Vernon, WA 98274, more fully described in Attachment A-1.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 922(g)(1)

Offense Description
Possession of a firearm by a convicted felon

The application is based on these facts:

See attached Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

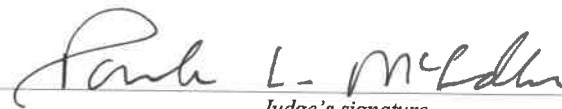
William A. Hyder, USBP Agent & FBI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date:

8/23/18



Judge's signature

City and state: Bellingham, Washington

Paula L. McCandlis, United States Magistrate Judge

Printed name and title

AFFIDAVIT OF TASK FORCE OFFICER WILLIAM HYDER

STATE OF WASHINGTON)
COUNTY OF WHATCOM) SS

I, William A. Hyder, being first duly sworn, state as follows:

I. INTRODUCTION

1. This Affidavit is submitted in support of an Application for warrants to search the following:

(a) The residence located at 4506 Broadway Street, Mount Vernon WA 98274 (the "SUBJECT PREMISES"), more fully described in Attachment A-1;

(b) A dark blue 2009 Lincoln MKS, bearing Washington license plate ARN0793 (the "SUBJECT VEHICLE"), more fully described in Attachment A-2; and

3. (c) The person of CHRISTOPHER THEARD, more fully described in Attachment A-

2. As discussed below, there is probable cause to believe that Christopher THEARD has committed the offense of possession of a firearm by a convicted felon, in violation of Title 18, United States Code, Section 922(g)(1), and further that his person and the places to be searched pursuant to the requested warrants will reveal evidence and fruits of that offense, including the items to be seized that are listed in Attachment B hereto.

II. AGENT BACKGROUND

3. I am an Agent with the United States Border Patrol ("USBP") assigned as a Task Force Officer ("TFO") to the Federal Bureau of Investigation ("FBI") Safe Streets Task Force in the Seattle Division. I have been an USBP Agent for approximately nine years. I have been a TFO with the FBI for approximately three years. I am currently assigned to work a variety of criminal matters including but not limited to drug and firearms offenses. I have also served as a Drug Enforcement Agency (DEA) TFO. In my experience as a law enforcement officer, I have participated in numerous criminal investigations, during the

1 course of which I have participated in physical surveillance, undercover operations, arrests,
2 and executions of search warrants.

3 4. While assigned as a FBI TFO I have investigated the crime of Felon in
4 Possession of a Firearm on several occasions. I have presented cases to the United States
5 Attorney's Office, written Affidavits to support prosecution, and testified in Grand Jury
6 proceedings for these matters.

7 **III. SOURCES OF INFORMATION**

8 5. This Affidavit is made based upon my personal knowledge, training,
9 experience, and investigation, as well as upon information provided to me by, and my review
10 of reports prepared by, other law enforcement personnel and other sources of information
11 such as public records to include Washington State Department of Licensing records and
12 Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") Form 4473.

13 6. Because this Affidavit is submitted for the limited purpose of establishing
14 probable cause in support of the application for a search warrant, it does not set forth each
15 and every fact that I or others have learned during the course of this investigation. I have set
16 forth only the facts that I believe are necessary to show probable cause necessary to support
17 issuance of the requested search warrants.

18 **IV. SUMMARY OF THE INVESTIGATION**

19 7. The FBI is currently investigating CHRISTOPHER THEARD (born 1983) for
20 firearms offenses, to include possession of a firearm by a convicted felon, in violation of
21 Title 18, United States Code, Section 922(g)(1).

22 8. I have reviewed THEARD's criminal history in NCIC, as well as court
23 documents relating to THEARD's two felony convictions. Specifically, THEARD has been
24 convicted of the following offenses, each of which is punishable a term of imprisonment
25 exceeding one year:

26 (a) *Possession of Marijuana 2nd Offense* on or about May 27, 2008, in the State of
27 Louisiana, 24th Judicial District Court, Parish of Jefferson, under cause number 06-5721,
28 dated on or about May 27, 2008. This offense carried a maximum sentence of five years

1 imprisonment; court records indicate that THEARD was given a two-year suspended prison
2 sentence; and

3 (b) *Theft; Receiving Stolen Property* on or about May 3, 2007 in the State of Indiana,
4 Marion Superior Court, Criminal Division 15, under cause number 49F15-0702-FD-028071.
5 This offense carried a maximum sentence of three years imprisonment; court records
6 indicated that THEARD was sentenced to 365 days imprisonment with 361 days suspended.

7 9. On or about July 24, 2018 THEARD was denied the purchase of a pistol from
8 Skagit Arms, a federally licensed firearms dealer in Burlington, Washington. I was advised
9 of THEARD's unsuccessful attempt to purchase the pistol by an officer of the Mount Vernon
10 Police Department on or about on or about August 16, 2018. The denial was the result of a
11 failed background check that indicated THEARD was ineligible to possess a firearm under
12 state or federal law. According to documents provided to law enforcement by Skagit Arms,
13 including an ATF Form 4473 and a Washington State Department of Licensing Pistol
14 Transfer Application, THEARD attempted to purchase a 9mm Glock handgun on July 9,
15 2018. As part of the buying process, THEARD provided Skagit Arms with his Washington
16 State Driver License, which was photocopied by the sales staff. I reviewed the photocopy
17 and confirmed that THEARD is the person depicted in the license photograph. On the back
18 of THEARD's license, the address of the SUBJECT PREMISES is handwritten, indicating
19 that this is THEARD's current address. THEARD also listed the SUBJECT PREMISES as
20 his address on the ATF Form 4473 and the Washington State Department of Licensing Pistol
21 Transfer Application form. In completing the ATF Form 4473, THEARD falsely stated that
22 he had not been convicted of a felony.

23 10. A search of a law enforcement database shows that THEARD has been
24 previously denied the purchase of handgun three times in Montana due to his criminal
25 conviction record. Specifically, on or about October 21, 2012, THEARD was denied the
26 purchase of a handgun in Philipsburg, Montana. Furthermore, on or about May 13, 2013 and
27 again on or about July 9, 2013, THEARD was denied the purchase of a handgun in Kalispell,
28 Montana.

1 11. THEARD is known to reside at the SUBJECT PREMISES based on recent
2 local police contacts at the SUBJECT PREMISES, as well as utility and public records.
3 THEARD is believed to reside at SUBJECT PREMISES with his mother and four-year-old
4 daughter. I believe that additional unknown persons may be residing at the SUBJECT
5 PREMISES on a part time or rotating basis.

6 12. On or about August 2, 2018 officers from the Washington Department of
7 Corrections (WA DOC) attempted to locate a wanted female believed to be residing at
8 SUBJECT PREMISES. When visiting the SUBJECT PREMISES, WA DOC officers were
9 met at the door by a male subject who identified himself as THEARD. THEARD indicated
10 that the wanted female was no longer residing there. THEARD refused to allow the WA
11 DOC officers to enter the SUBJECT PREMISES to search for the wanted female. THEARD
12 expressed concerns that the WA DOC officers were trying to trick him and stated to the
13 officers that he was nervous because he had a gun in a locked case under his bed. THEARD
14 also stated to WA DOC officers that he understood how DOC worked because he was
15 previously on supervision in Louisiana for felony marijuana possession a few years ago.

16 13. On or about August 15, 2018, officers from the Mount Vernon Police
17 Department responded to the SUBJECT PREMISES in response to a request for a welfare
18 check from THEARD's mother, Janice Kingston. Kingston told officers that she had
19 received a picture of a map, via cell phone, with an SOS (internationally recognized signal
20 for distress) symbol leading her to believe there was a need for assistance at the SUBJECT
21 PREMISES. She also said she had received a photo of her son, THEARD, whose eyes
22 looked funny, stating that he needed help. Kingston expressed concerns for her son and his
23 four-year-old daughter, who also resides with him at the SUBJECT PREMISES. Kingston
24 informed officers that she believes THEARD is using illegal narcotics to include heroin and
25 methamphetamine. While performing a walk-through of the SUBJECT PREMISES, officers
26 observed an empty handgun holster on a table in or near the garage. Multiple people were
27 present and identified by officers, including THEARD. It is unclear if the other subjects
28 reside at the SUBJECT PREMISES or if they were simply visiting. One male subject was

1 identified as having a WA DOC warrant and was taken into custody. While being
2 transported to the DOC office, the male subject told the transporting officer that he had
3 observed THEARD earlier that day with a holster on his waist containing a small sub-
4 compact handgun.

5 14. Later the same day a vehicle stop was conducted by the Mount Vernon Police
6 Department on a dark blue Lincoln MKS bearing Washington license plate ARN0793—the
7 SUBJECT VEHICLE. The SUBJECT VEHICLE was observed by officers earlier that day
8 parked in the driveway of the SUBJECT PREMISES. THEARD was familiar to the officer
9 who initiated the traffic stop and he was aware that THEARD had a suspended driver's
10 license for unpaid tickets. The vehicle stop was conducted approximately half a block away
11 from the SUBJECT PREMISES. THEARD was identified as the driver of the vehicle (via
12 his Washington State Driver License) and stated that he is the owner of the vehicle.
13 Washington State Department of Licensing records indicate that the vehicle registration is
14 expired and that a report of sale had been filed recently by the former registered owner.
15 There is no record of the vehicle being registered to the new owner.

16 **V. TRAINING AND EXPERIENCE**

17 15. Based on my training and experience, I know that during the execution of
18 search warrants, it is common to find papers, letters, billings, documents and other writings,
19 which show ownership, dominion, and control of the premises or vehicle searched.


20 16. I also know that it is common for felons in possession of firearms to maintain
21 firearms, ammunition, and firearm components in secure locations within their vehicles and
22 residences, both to allow ready access and to conceal items from law enforcement. In this
23 case, given the holster seen in THEARD's home and reporting from a source that THEARD
24 carries a subcompact pistol, I believe that THEARD may unlawfully carry a firearm outside
25 of his home. (THEARD does not possess a Washington State Concealed Pistol License.
26 Based upon his criminal history, THEARD would ineligible to obtain a such a license.)
27
28

1 17. I also know that it is common for felons in possession of firearms to maintain
2 records, receipts, notes and other paper relating to the acquisition of firearms, ammunition,
3 and firearm components.


4 18. I also know, based on my training and experience, that the vast majority of
5 firearms are manufactured outside the State of Washington, and therefore that the vast
6 majority of firearms found in this state have traveled in interstate or foreign commerce.

7 **VI. CONCLUSION**

8 19. Based on the foregoing, I believe there is probable cause that THEARD has
9 committed the offense of Felon in Possession of a Firearm, in violation of Title 18, United
10 States Code, Section 922(g)(1), and further that evidence and fruits of this offense will be
11 found in a search of the SUBJECT PREMISES, the SUBJECT VEHICLE, and the person of
12 CHRISTOPHER THEARD.

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14 
15 WILLIAM A. HYDER
16 Agent, United States Border Patrol
17 Task Force Officer, FBI

18 SUBSCRIBED and SWORN to before me this 23rd day of August, 2018.
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21 
22 PAULA L. MCCANDLIS
23 United States Magistrate Judge
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